



General Assembly

Substitute Bill No. 5496

February Session, 2004

* _____ HB05496JUD _____ 040704 _____ *

**AN ACT REQUIRING THE LICENSING OF SECURITY SYSTEMS AND
FIRE ALARM SELLERS, INSTALLERS AND MONITORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) As used in this act: (1)
2 "Person" means an individual, corporation, association, partnership or
3 any other legal entity; (2) "department" means the Department of
4 Agriculture and Consumer Protection; (3) "commissioner" means the
5 Commissioner of Agriculture and Consumer Protection; and (4)
6 "private key holder responder" means a person who responds to and
7 enters a private residence in response to a security system or fire
8 alarm.

9 Sec. 2. (NEW) (*Effective October 1, 2004*) (a) No person shall engage
10 in, perform, or offer to perform the sale, service monitoring or
11 installation of security systems or fire alarms, including acting as a
12 private key holder responder, without first obtaining a license from the
13 commissioner in accordance with sections 3 and 4 of this act.

14 (b) The provisions of this act shall not apply to the retail sale of
15 security systems or fire alarms if: (1) Such sale is an incidental portion
16 of total sales of other general merchandise offered by the seller; (2)
17 such sale occurs at the retail premises of the seller; and (3) the seller
18 does not offer, or otherwise arrange for, service, monitoring or
19 installation of the system or alarm at the buyer's premises.

20 Sec. 3. (NEW) (*Effective October 1, 2004*) (a) A person seeking a
21 license for the sale, service, monitoring or installation of security
22 systems or fire alarms shall apply to the commissioner, in writing, on a
23 form provided by the commissioner. Such application shall include the
24 applicant's name, age, date and place of birth, residence addresses and
25 business addresses for the past five years, date and place of conviction
26 of any crime and such additional information as the commissioner
27 deems appropriate to investigate the qualification, character and
28 integrity of the applicant. If an applicant is a corporation, each person
29 owning ten per cent or more of the stock of such corporation shall
30 provide such information. If the applicant is an association or
31 partnership, each member of such association or partnership shall
32 provide such information.

33 (b) Each applicant shall be eighteen years of age or older and shall
34 have at least three years of experience in the sale, service, monitoring
35 or installation of security systems or fire alarms.

36 (c) Each applicant shall submit, with an application, two complete
37 sets of fingerprints on forms specified by the commissioner and two
38 photographs measuring two inches high and three inches wide taken
39 within six months of such application.

40 (d) Each application shall provide the business name to be used by
41 the applicant, the location of the principal place of business and the
42 location of each branch office. If the applicant is a corporation, such
43 application shall provide the name of the corporation and date and
44 place of incorporation. No business name shall imply an association
45 with a municipal, county, state or federal government or any agency
46 thereof.

47 (e) Each application shall contain any other information and
48 documentation as the commissioner may require.

49 (f) The commissioner shall require each applicant, or if the applicant
50 is a corporation, each person owning ten per cent or more of the stock
51 of the applicant, or if the applicant is an association or partnership,

52 each member of the applicant to submit to state and national criminal
53 history records checks before such license is issued. The criminal
54 history records checks shall be conducted in accordance with section
55 29-17a of the general statutes.

56 (g) Each application shall be accompanied by a licensure fee of three
57 hundred dollars.

58 Sec. 4. (NEW) (*Effective October 1, 2004*) (a) Upon receipt of a
59 completed application and a licensure fee, the commissioner shall: (1)
60 Issue and deliver to the applicant a license; or (2) refuse to issue the
61 license. The commissioner may suspend, revoke, or refuse to issue or
62 renew any license issued under this act, or may place a licensee on
63 probation or issue a letter of reprimand, for any violation of section 5
64 of this act. Subject to the provisions of section 46a-80 of the general
65 statutes, no license shall be issued to an applicant who has been
66 convicted of a felony, sexual offense or crime. No application for the
67 reinstatement of a license which has been revoked shall be accepted by
68 the commissioner prior to one year after the date of such revocation.

69 (b) Licenses issued pursuant to this act shall be valid for one year
70 and shall not be transferable or assignable.

71 (c) The fee for renewal of a license shall be one hundred dollars.

72 (d) Each licensee shall exhibit at each place of business the original
73 or a copy of such license.

74 Sec. 5. (NEW) (*Effective October 1, 2004*) The commissioner may
75 revoke or suspend a license for the sale, service, monitoring or
76 installation of security systems or fire alarms for: (1) A violation of the
77 provisions of sections 1 to 15 of this act or any regulation adopted
78 thereunder; (2) conduct of a character likely to mislead, deceive or
79 defraud the public or the commissioner; (3) making a material
80 misstatement in the application for issuance or renewal of a license; (4)
81 a conviction of a felony or a crime affecting the licensee's honesty,
82 integrity or moral fitness, subject to the provisions of section 46a-80 of

83 the general statutes; or (5) knowingly employing a person who cannot
84 qualify for licensure or who has been denied a license pursuant to any
85 provision of sections 1 to 15 of this act.

86 Sec. 6. (NEW) (*Effective October 1, 2004*) (a) Upon refusal to issue or
87 renew a license, the commissioner shall notify the applicant, by
88 certified mail, of the denial and of the applicant's right to request a
89 hearing no later than ten days from the date of receipt of the notice of
90 denial.

91 (b) In the event the applicant requests a hearing within such ten
92 days, the commissioner shall give notice of the grounds for the
93 commissioner's refusal and shall conduct a hearing concerning such
94 refusal, in accordance with the provisions of chapter 54 of the general
95 statutes concerning contested matters.

96 Sec. 7. (NEW) (*Effective October 1, 2004*) (a) The commissioner may
97 conduct investigations and hold hearings on any matter under the
98 provisions of this act. The commissioner may issue subpoenas,
99 administer oaths, compel testimony and order the production of
100 books, records and documents. If any person refuses to appear, to
101 testify or to produce any book, record, paper or document when so
102 ordered, upon application of the commissioner, a judge of the superior
103 court may make such order as may be appropriate to aid in the
104 enforcement of this section.

105 (b) The Attorney General, at the request of the commissioner, may
106 apply in the name of the state of Connecticut to the superior court for
107 an order temporarily or permanently restraining and enjoining any
108 person from violating any provision of sections 1 to 15 of this act.

109 Sec. 8. (NEW) (*Effective October 1, 2004*) No licensee engaged in the
110 business of selling, servicing, monitoring or installing security systems
111 or fire alarms shall: (1) Present or attempt to present, as its own, the
112 license of another, (2) knowingly give false evidence of a material
113 nature to the commissioner for the purpose of procuring a license, (3)
114 use or attempt to use a license which has expired or which has been

115 suspended or revoked, or (4) represent in any manner that its license
116 constitutes an endorsement of the quality of its workmanship or of its
117 competency by the commissioner. A violation of any of the provisions
118 of this act shall be deemed an unfair or deceptive trade practice under
119 subsection (a) of section 42-110b of the general statutes.

120 Sec. 9. (NEW) (*Effective October 1, 2004*) Upon issuance of a license,
121 pursuant to section 4 of this act, the commissioner shall also issue to
122 each licensee, and in the case of a corporation, association or
123 partnership, each officer or member thereof, a pocket identification
124 card of such size and design as the commissioner shall designate in
125 regulations adopted pursuant to section 14 of this act. Each person
126 issued an identification card shall carry such card at all times when
127 engaged in the activities of such license and such card shall be
128 evidence of due authorization to engage in such activities. No person
129 shall possess, hold or display an identification card or facsimile
130 thereof, which is not authorized and issued by the commissioner.

131 Sec. 10. (NEW) (*Effective October 1, 2004*) (a) Upon hiring any
132 employee, a licensee shall make application to register such employee
133 with the commissioner. Such application shall be made on forms
134 provided by the commissioner and shall include such employee's
135 name, residence address, date and place of birth, residence addresses
136 and business addresses for the past five years, date and place of
137 conviction of any crime and any other information as the
138 commissioner may require. Such application shall include two
139 complete sets of fingerprints on forms specified by the commissioner
140 and two photographs measuring two inches high and three inches
141 wide taken within six months of such application.

142 (b) The commissioner shall require each employee who is being
143 registered to submit to state and national criminal history records
144 checks before such employee is registered. The criminal history records
145 checks shall be conducted in accordance with section 29-17a of the
146 general statutes.

147 (c) Subject to the provisions of section 46a-80 of the general statutes,
148 no person who has been convicted of a felony, sexual offense or crime
149 which would tend to question such person's honesty or integrity shall
150 be employed at a place of business engaged in the sale, service,
151 monitoring or installation of security systems or fire alarms.

152 (d) Such registration shall be valid for one year and renewable
153 annually on forms specified by the commissioner.

154 (e) The fee for initial registration shall be ten dollars and the fee for
155 renewal shall be ten dollars.

156 (f) The licensee shall notify the commissioner no later than five days
157 after termination of employment of any registered employee.

158 Sec. 11. (NEW) (*Effective October 1, 2004*) Each licensee engaged in
159 the sale, service, monitoring or installation of security systems or fire
160 alarms shall issue to each employee a pocket identification card of such
161 size and shape as the commissioner shall designate in regulations
162 adopted pursuant to section 14 of this act. Each person issued an
163 identification card shall carry such card at all times when engaged in
164 the activities of such licensee and such card shall be evidence of due
165 authorization to engage in such activities. No employee shall possess,
166 hold or display an identification card or facsimile thereof, which is not
167 authorized by the commissioner. An employee shall surrender such
168 identification card upon termination of employment with the issuing
169 licensee.

170 Sec. 12. (NEW) (*Effective October 1, 2004*) No person who is or has
171 been an employee of a licensee engaged in the sale, service, monitoring
172 or installation of security systems or fire alarms shall divulge any
173 information regarding work such person has performed or any other
174 information relating to the business of such person's employer gained
175 during such employment, except as may be required by law.

176 Sec. 13. (NEW) (*Effective October 1, 2004*) The commissioner shall
177 annually prepare a list of security system and fire alarm businesses

178 licensed pursuant to sections 1 to 12, inclusive, of this act and
 179 distribute such list to the chiefs of police, the State Fire Marshal and
 180 the fire chiefs and fire marshals of the municipalities of the state and
 181 shall make such list available to any licensee.

182 Sec. 14. (NEW) (*Effective October 1, 2004*) The commissioner shall
 183 adopt regulations, in accordance with chapter 54 of the general
 184 statutes, to implement the provisions of sections 1 to 13, inclusive, of
 185 this act.

186 Sec. 15. (NEW) (*Effective October 1, 2004*) A person who violates any
 187 provision of sections 1 to 14, inclusive, of this act shall be fined not
 188 more than five thousand dollars or imprisoned not more than one
 189 year, or both.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>
Sec. 11	<i>October 1, 2004</i>
Sec. 12	<i>October 1, 2004</i>
Sec. 13	<i>October 1, 2004</i>
Sec. 14	<i>October 1, 2004</i>
Sec. 15	<i>October 1, 2004</i>

GL *Joint Favorable Subst.-LCO*

JUD *Joint Favorable*